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Paper No. 10

In re Application of
Edward Sutt
Application No. 10/060,411
Filed: February 1, 2002
Attorney Docket No. 011988-0278449

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: DECISION ON PETITION
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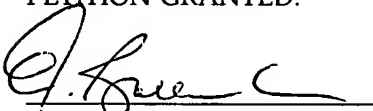
This is a decision on the petition filed on May 5, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated September 24, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was actually filed on December 8, 2003. Petitioner has supported this allegation by furnishing a copy of the reply and a copy of a filing receipt for the reply which shows the reply was in fact received in the Office on December 8, 2003, a date within the period for filing a reply to the Office action in question. Based upon this evidence, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for processing the reply filed on December 8, 2003. Thereafter, the application will be forwarded to the examiner for appropriate.

PETITION GRANTED.


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